

## REMARKS

Applicant wishes to thank Examiner Rosenbaum for taking the time to communicate with Applicants' counsel. The following reflects the conclusion of those communications.

Claim 45 was rejected under 35 U.S.C. 103(a) as being unpatentable over Burda (U.S. Patent No. 4,793,561). This rejection is respectfully traversed.

According to the Office Action: "...it would have been obvious for one of ordinary skill in the art to modify APA by providing a control system based on measurements at separate time intervals, taught to be desirable by Burda." It is respectfully submitted that a control system based on measurements at separate time intervals as disclosed by Burda is not "comparing the condition of the brush chipper at the second time to the condition of the brush chipper at the first time," as cited in claim 45 of the instant application.

An object of the Burda invention is to sense a true jamming condition in the shredder. Burda discloses two aspects to determining if the condition of the shredder is actually jammed or not:

1. Determining if a rotational speed has dropped below a predetermined value, and
2. Determining if the rotational speed has been below the predetermined value for a predetermined duration.

The first requires comparison of the instantaneous speed to the low-speed limit. None of this information is from a previous time. Comparing the instantaneous rotational speed to a previous value of rotational speed will not accomplish the goal of learning if the rotational speed has dropped below the threshold value.

The second aspect requires comparing a timer to a duration limit. This is not comparing a condition of the shredder at a given time to the condition of the shredder at a different time. Comparing the conditions of the shredder at different times will not accomplish the goal of determining if the rotational speed has been below the threshold value for a predetermined duration.


Burda did not teach the comparison of the conditions of the shredder at two different times, nor was Burda motivated to do so. Therefore, it would not have been obvious for

one of ordinary skill in the art to modify the admitted prior art by providing a control system based on measurements at separate time intervals.

Accordingly, because all remaining claims 45–59 are believed to be clearly allowable, a notice to that effect is earnestly solicited.

Respectfully submitted,

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